

**Summary of Pre-listing Activities
in Upper Cement Creek
December 17, 2013**

From the late 1990s, the EPA's and CDPHE's water quality staff primarily served to help manage 319 grants and provide technical support to the Animas River Stakeholders Group.

EPA's Superfund Site Assessment and Brownfields staff became involved with and supported the ARSG using CERCLA Brownfields and Assessment dollars from late 2004 to about 2011. In looking for possible solutions to address loading from mine sources in upper Cement Creek, the EPA helped the ARSG by using Targeted Brownfields Assessment support to look at updating the water treatment system in Gladstone (2005 – 2007). In 2008, EPA's Office of Research and Development, BLM, and landowners supported a successful small scale water treatment demonstration pilot. From May 2009 through 2011, EPA, BLM and other ARSG members and volunteers sampled water in Cement Creek and the Animas River.

In 2009, EPA began some report compilation to identify data gaps and in fall 2010, the EPA tasked their Superfund Technical Assessment and Response Team (START3) contractor to sample mine waste sources and surface water bodies – again the focus was on Cement Creek sources and their impact to the Animas River. Forty-two (42) surface water, 43 sediment samples, and 14 (of 25 planned) mine waste pile samples, 5 adit discharge, and 5 adit sediment samples were collected. This included collecting samples from many of the side drainages that EPA, BLM, and volunteers were not able to characterize with our routine water quality sampling. Given the possibility that transformers containing PCBs could have been used historically, EPA also analyzed soils and sediments for PCBs. No PCBs were detected.

In August 2011, the EPA brought Upper Cement Creek to a national EPA panel for potential proposal to the National Priorities List.

During the week of September 12 – 16, 2011, the R8 NPL Coordinator, Community Involvement Coordinator (CIC), and CDPHE Superfund program representatives attended the Silverton Town Board and San Juan County Commissioners' meetings to update them on recent EPA steps and activities related to possible inclusion of the Upper Cement Creek site on the NPL based on the site's impacts to Cement Creek and the Animas River from mine waste piles and uncontrolled mine discharges. EPA also conducted community input sessions, met with business owners and elected officials and attended Animas River Stakeholders Group (ARSG) and Upper Cement Creek technical workgroup meetings.

The outcome of those meeting indicated that many Silverton and San Juan County residents and elected officials had unanswered questions and favor exploring a non-NPL approach. EPA was contacted by J. Paul Brown, Colorado State Representative in House District 59 and ARSG stakeholder meetings were attended by two of U.S. Congressman Scott Tipton's staff. The idea of a March 2012 NPL Proposal –which EPA had been working toward- was met with major concerns by local officials which impacted the state's willingness to provide a Governor's letter by the December 2011 deadline.

Non-EPA stakeholders and a PRP have voiced their desire for a non-NPL, collaborative solution to the water quality problem in the Upper Animas. Of note, a representative of the main

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potentially responsible party, Sunnyside Gold Corp, a wholly owned subsidiary of Canadian mining interest Kinross Gold Corp., indicated a willingness to participate in the collaborative process as long as Superfund Listing and enforcement are not involved.

EPA Removal assessment ongoing at Red & Bonita.